

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL**

**Submit an original, and a duplicate for fee processing**

CHECK BOX, if applicable

☐ DUPLICATE

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

Address to:

**Assistant Commissioner for Patents**  
**Box CPA**  
**Washington, DC 20231**

Attorney Docket No.  
of Prior Application

085765-000000US

*First Named Inventor*

Yamamori, Makoto

Examiner Name

Grunberg, A.

*Group Art Unit*

1661

Express Mail Label No.

EL 951985175 US

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d).

(continued prosecution application (CPA)) of prior application number 09/325,819

filed on June 4, 1999, entitled HIGH AMYLOSE WHEAT STARCH AND WHEAT CONTAINING THE SAME.

## NOTES

**FILING QUALIFICATIONS:** *The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).*

***G-I-P NOT PERMITTED:*** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** *The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for, a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.*

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** *In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).*

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application
2. ☐ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
  - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_  
\_\_\_\_\_
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

[Page 1 of 2]

**Burden Hour Statement:** This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.**

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Comments on  
Washington, DC  
n, DC 20231.

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (j))	5-20* =	0	x \$18=	\$0
	INDEPENDENT CLAIMS 37 CFR 1.16(b) or (i)	1-3** =	0	x \$84=	\$0
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			x =	
				BASIC FEE (37 CFR 1.16)	\$740
				Total of above Calculations =	\$740.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				
	* Reissue claims in excess of 20 and over original patent.				
	** Reissue independent claims over original patent.				
	TOTAL =				\$740.00

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 20-1430:
- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☒ Fees required under 37 CFR 1.18.
8. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(l) enclosed.
11. ☐ New Attorney Docket Number, if desired  
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☒ Other: Petition for Suspension of Action Under 37 CFR § 1.103(a) *Petition to Extend Time, SB17 Form*

**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

**14. NEW CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Label

Customer No. 20350

(Insert Customer No. or Attach bar code label here)

or ☐ New correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

**15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print /Type)

Peter Seperack

Signature

Registration No. (Attorney/Agent)

47,932

Date

November 27, 2002

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TECH CENTER 1600/2900

PTO FAX NO.: (703) 308-4242

ATTENTION: Examiner Grunberg, A.  
TELEPHONE NO.:

Group Art Unit 1661

**FAX RECEIVED**

NOV 29 2001

GROUP 1600

**OFFICIAL COMMUNICATION**  
**FOR THE PERSONAL ATTENTION OF**  
**EXAMINER GRUNBERG, A.**

**OFFICIAL**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following document(s) in re Application of MAKOTO YAMAMORI, Application No. 09/325,819, filed June 4, 1999 for HIGH AMYLOSE WHEAT STARCH AND WHEAT CONTAINING THE SAME is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Document(s) Attached

1. Transmittal Form
2. Fee Transmittal including Petition to Extend Time for three months (1 pg. in triplicate)
3. Amendment
4. Certificate of Wheat Seeds
5. Article from NZAR

Number of pages being transmitted, including this page: 20

Dated: November 27, 2001

*Kathryn A. Degliantonio*  
Kathryn A. Degliantonio

*Secretary to Peter Seperack*

**PLEASE CONFIRM RECEIPT OF THIS PAPER BY  
RETURN FACSIMILE AT (415) 576-0300**

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111-3834  
Telephone: 415-576-0200  
Fax: 415-576-0300

SF 1295614 v1

# FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

AMOUNT OF PAYMENT (\$) 2830

Complete if Known

Application Number 09/325,819  
Filing Date June 4, 1999  
First Named Inventor Yamamori, Makoto  
Examiner Name Grunberg, A.  
Group Art Unit 1661  
Attorney Docket No. 085765-000000US

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ MoneyOrder ☐ Other ☐ None  
☒ Deposit Account:

Deposit  
Account  
Number

20-1430

Deposit  
Account  
Name

Townsend and Townsend and Crew LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	740	2001	370	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	510	2003	255	Plant filing fee	
1004	740	2004	370	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fees from below	Fee Paid
Total Claims	..** =	X	
Independent Claims	..** =	X	
Multiple Dependent		X	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	400	2252	200	Extension for reply within second month	
1253	920	2253	460	Extension for reply within third month	
1254	1,440	2254	720	Extension for reply within fourth month	
1255	1,960	2255	980	Extension for reply within fifth month	1960
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,280	2453	640	Petition to revive - unintentional	
1501	1,280	2501	640	Utility issue fee (or reissue)	
1502	460	2502	230	Design issue fee	
1503	620	2503	310	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	740	2809	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	740	2810	370	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	740	2801	370	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) ---Continued Prosecution Request (CPA)					740

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$)2830

## SUBMITTED BY

Name (Print/Type) Peter Sepejack Registration No. (Attorney/Agent) 47,932 Telephone 415-576-0200  
Signature Peter Sepejack Date November 27, 2002

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**SHUSAKU YAMAMOTO**

U.S. Patent Application S.N. 09/325,819

Your Ref: 085765-000000US

(Translation)

**Certificate of Wheat Seeds****[Variety Name of Wheat Seeds]**

Accession No.	Variety Name	Date of deposit
00025594	Turkey 116	1985.12.20
00023081	Kanto 79	1977. 3.29
00023732	Chousen 30	1969. 2.25
00023724	Chousen 57	1969. 2.25

**[Contents of Certificate]**

The aforementioned wheat seeds:

- are preserved in our facility;
- were subjected to a test of viability at the time the deposit was made, resulting in confirmation that they remained viable;
- will be preserved at least until 2030 A.D.; and
- are publicly available if required.

I do hereby certify that the aforementioned seeds are deposited in the genebank facility of our institute as described in the Contents of Certificate.

Dated this 28<sup>th</sup> day of August, 2001

National Institute of Agrobiological Sciences  
Naoki KATURA, President